

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DANIEL WEST, ROMAIN CLARKE,
RYON MORGAN, and SAADALA
ABOULESSAN, on behalf of themselves and
all others similarly situated,

Plaintiff,

-against-

LASERSHIP, INC., SO SURE
TRANSPORTS, INC., STEVEN
TRUCKING, INC., RICHARD GRACE
AND RICHARD LLC., and
UNKNOWN SUBCONTRACTOR
COMPANIES A-Z,

Defendants.

Civil Action No. 1: 21-cv-05382-LTS

**DEFENDANTS' NOTICE TO
WITHDRAW MOTION TO DISMISS**

MEMO ENDORSED

So Ordered
January 11, 2023
/s/ Laura Taylor Swain, Chief USDJ

Defendant, LaserShip, Inc., respectfully notifies the Court that it is withdrawing its Motion to Dismiss (ECF Nos. 28, 29, 42). In its Motion to Dismiss, LaserShip sought to dismiss this case under the first-to-file rule because LaserShip was defending against identical claims brought on behalf of identical putative collectives and classes in *Yuan v. LaserShip, Inc.*, Civ No. 20-cv-05484 AMD-RER (E.D.N.Y.). ECF No. 29 at 4.

On January 4, 2023, the *Yuan* Court dismissed LaserShip with prejudice from that case. *See Yuan v. LaserShip, Inc.*, Civ No. 20-cv-05484 AMD-RER (E.D.N.Y.) (minute order entered January 4, 2023).

Accordingly, LaserShip respectfully withdraws its Motion to Dismiss in this case.

LaserShip's Motion to Compel Arbitration (ECF Nos. 25-27, 43, 48, 52) remains pending for decision and is not impacted by this notice to withdraw the Motion to Dismiss.

Dated: January 10, 2023

Respectfully submitted,

/s/ Charles Andrewscavage

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